

REMARKS

This is in response to the Office Action mailed May 14, 2004, in which the Examiner rejected claims 1-40. With this amendment Applicant has amended claims 1, 5, 8, 23, 27, 32, 35, 38, 39, canceled claims 6, 7, 22, 25, 26, 28-31, the second occurrence of claim 32, 33, 34, 36, 37 and added new claims 41-50. Reconsideration of the application, as amended, is respectfully requested.

Claim Numbering

Applicant discovered during a review of the pending claims that the claims were misnumbered. In particular, two of the claims were numbered "32.". With this Amendment, Applicant has canceled the second occurrence of claim 32.

Claim Rejections - 35 U.S.C. §102

In Section 2 of the Office Action, the Examiner rejected claims 1, 2, 5-10, 16-18, 22, 25, 26, 28-30, 34 and 36-39 under 35 U.S.C. §102(b) as being anticipated by Whiteman (U.S. Patent No. 4,632,019). Applicant respectfully believes that the rejections can be withdrawn for the reasons set forth below.

Independent claims 1 and 38 have been amended to include "a tent including exterior walls formed of fabric that define an interior chamber and an input port formed in one of the exterior walls". Applicant submits that Whiteman fails to disclose a portable personal shelter system that includes such a tent. Accordingly, Applicant submits that independent claims 1 and 38 are not anticipated by Whiteman, and requests that the rejections be withdrawn. Additionally, Applicant submits that all of the rejected pending claims that depend from claims 1 and 38 are allowable as being dependent from allowable base claims, and requests that the rejections be withdrawn.

In Section 3 of the Office Action, the Examiner rejected claims 1, 2, 5-10, 12, 16-21, 26, 28-30, 32, 34 and 35 under 35 U.S.C. §102(b) as being anticipated by Strauss et al. (U.S. Patent No. 3,964,458). Applicant respectfully believes that the rejections can be withdrawn from the reasons set forth below.

Applicant respectfully believes that Strauss et al. fail to anticipate independent claims 1 since Hodges fails to disclose a portable personal shelter system that includes "a tent including exterior walls formed of fabric that define an interior chamber and an input port formed in one of the exterior walls" as described in claim 1. Therefore, Applicant submits that independent claim 1 is not anticipated by Strauss et al., and requests that the rejection be withdrawn. Additionally, Applicant submits that all claims depending from independent claim 1 that were rejected in view of Strauss et al. are allowable as being dependent from an allowable base claim, and requests that the rejections be withdrawn.

In Section 4 of the Office Action, the Examiner rejected claims 1, 6-8, 10, 16, 26, 28-30 and 34 under 35 U.S.C. §102(e) as being anticipated by Hodges (U.S. Patent No. 6,568,202). Applicant respectfully believes that the rejections can be withdrawn for the reasons set forth below.

Applicant respectfully believes that Hodges fails to anticipate independent claims 1 since Hodges fails to disclose a portable personal shelter system that includes "a tent including exterior walls formed of fabric that define an interior chamber and an input port formed in one of the exterior walls", as described in claim 1. Therefore, Applicant requests that the rejection be withdrawn. Additionally, Applicant submits that all rejected pending claims that depend from independent claim 1 are allowable as being dependent from an allowable base claim, and requests that the rejections be withdrawn.

In Section 5 of the Office Action, the Examiner rejected claims 1, 2, 6-9, 13, 22, 26, 28, 29 and 36-40 under 35 U.S.C. §102(b) as being anticipated by Hergatt et al. (U.S. Patent No. 3,777,506). Applicant respectfully believes that the rejections can be withdrawn for the reasons set forth below.

Applicant submits that Hergatt et al. fail to anticipate independent claim 1 since the cited reference fails to disclose a personal shelter system that includes "a tent including exterior walls formed of fabric that define an interior chamber and an input port formed in one of the exterior walls", as described in claim 1. Accordingly, Applicant requests that the rejections of independent claim 1 be withdrawn. Additionally, Applicant submits that the rejected pending claims depending from independent claim 1 are allowable as being dependent from an allowable base claim, and requests that the rejections be withdrawn.

In Section 6 of the Office Action, the Examiner rejected claims 1-4, 6-10, 16-22, 26-30 and 34-40 under 35 U.S.C. §102(b) as being anticipated by Nathan (U.S. Patent No. 4,450,900). Applicant respectfully believes that the rejections can be withdrawn for the reasons set forth below.

Applicant submits that Nathan fails to anticipate independent claims 1 and 38 since it fails to disclose a personal shelter system that includes "a tent including exterior walls formed of fabric that define an interior chamber and an input port formed in one of the exterior walls", as described in independent claims 1 and 38. Therefore, Applicant requests that the rejections of independent claims 1 and 38 be withdrawn. Additionally, Applicant submits that all rejected pending claims that depend from independent claims 1 and 38 are allowable as being dependent from allowable base claims, and requests that the rejections be withdrawn.

Claim Rejections - 35 U.S.C. §103

In Section 8 of the Office Action, the Examiner rejected claims 14, 15, 23, 24 and 33 (now canceled) under 35 U.S.C. §103(a) as being unpatentable over Whiteman or Strauss et al. or Hodges or Hergatt et al. or Nathan. Applicant respectfully believes that the rejections can be withdrawn.

As discussed above, Applicant submits that independent claim 1 is presently in condition for allowance even in view of Whiteman, Strauss et al., Hodges, Hergatt et al., or Nathan. Accordingly, Applicant submits that claims 14, 15, 23 and 24 are allowable for at least the reasons set forth above with regard to independent claim 1, from which they depend. Accordingly, Applicant requests that the rejections be withdrawn.

In Section 9 of the Office Action, the Examiner rejected claims 11 and 31 (now canceled) under 35 U.S.C. §103(a) as being unpatentable over Hodges in view of Hjelle (U.S. Patent No. 5,005,679) or Mills et al. (U.S. Patent No. 6,629,430). Applicant respectfully believes that the rejection of claim 11 can be withdrawn for at least the reasons set forth above with regard to independent claim 1. In other words, Applicant believes that claim 11 is allowable as being dependent from allowable base claim 1, and requests that the rejection be withdrawn.

Conclusion

In view of the above comments and remarks, Applicant respectfully believes that the present application is in condition for allowance. Reconsideration and favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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